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**From:** MacNicholl, Peter@DTSC [Peter.MacNicholl@dtsc.ca.gov]  
**Sent:** 4/12/2018 5:16:42 PM  
**To:** Keller, Lynn [Keller.Lynn@epa.gov]  
**Subject:** RE: Aerojet - MOU Area 40

Hi Lynn,

We've actually been corresponding regularly with counsel, and program was actually surprised with the RD/RA request in light of the concerns already identified. Fortunately legal is Programs' advisor so if Legal identifies an issue, program more times than not it will take the advise unless it fundamentally conflicts or undermines the process or basic decision principles. The reality is this oversight transfer should be a pragmatic approach and right now the logic or principles behind the request is not there for the RD/RA oversight other than the resource justification.

It fundamentally gets back to if EPA has a ROD specifying the RD/RA actions, why would RD/RA revert to the State, then go back to USEPA upon RD/RA completion? The whole impetus for doing this MOU was to get a RAP to suffice AR real estate agreement terms and conditions. Now this has morphed into something else...

I think we'll have more discussions with Larry tomorrow and can hopefully come to terms & agreement.

-Pete

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**From:** Keller, Lynn [mailto:Keller.Lynn@epa.gov]  
**Sent:** Thursday, April 12, 2018 9:49 AM  
**To:** MacNicholl, Peter@DTSC <Peter.MacNicholl@dtsc.ca.gov>  
**Subject:** RE: Aerojet - MOU Area 40

Pete, it seems that DTSC program folks have not talked this over with their counsel. Could you please have Isabella and Bill/Charlie work this out and come to an agreement on approach?

My program level and legal people agree DTSC needs to take the lead agency role through RD/RA since DTSC determined you have the resources and ability to perform day to day oversight and get this cleanup done faster. DTSC needs to decide this internally though—EPA legal and program people already weighed in at the Division level and all high level DTSC people agreed on this approach in March (Enrique and Mohsen and Charlie). If your counsel won't allow the program to make this decision they need to talk with our high level program people.

Thanks,  
Lynn

*Lynn M. Keller, EL, PMP*  
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**From:** MacNicholl, Peter@DTSC [mailto:Peter.MacNicholl@dtsc.ca.gov]  
**Sent:** Thursday, April 12, 2018 9:28 AM  
**To:** Keller, Lynn <Keller.Lynn@epa.gov>  
**Subject:** FW: Aerojet - MOU Area 40

Hi Lynn,

See attached and below. There is some concern with the MOU and the fact that USEPA will be doing a ROD right after DTSC's RAP yet the RD/RA will be overseen by DTSC? If USEPA has a ROD what is the point of having DTSC be the lead for RD/RA? Obviously this was not an issue when you and I were originally talking cause it was just DTSC overseeing the RAP not the RD/RA at that point.

-Pete

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**From:** Alasti, Isabella@DTSC  
**Sent:** Thursday, April 12, 2018 8:25 AM  
**To:** MacNicholl, Peter@DTSC <[Peter.MacNicholl@dtsc.ca.gov](mailto:Peter.MacNicholl@dtsc.ca.gov)>  
**Cc:** Beckman, William@DTSC <[William.Beckman@dtsc.ca.gov](mailto:William.Beckman@dtsc.ca.gov)>; Ridenour, Charlie@DTSC <[Charlie.Ridenour@dtsc.ca.gov](mailto:Charlie.Ridenour@dtsc.ca.gov)>  
**Subject:** FW: Aerojet - MOU Area 40

Hi Pete,

Can you forward to whoever you think should get it from a program level – like Lynn maybe?

Thanks,  
Isabella

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**From:** Alasti, Isabella@DTSC  
**Sent:** Thursday, April 12, 2018 8:25 AM  
**To:** Larry Bradfish <[Bradfish.Larry@epa.gov](mailto:Bradfish.Larry@epa.gov)>  
**Cc:** MacNicholl, Peter@DTSC <[Peter.MacNicholl@dtsc.ca.gov](mailto:Peter.MacNicholl@dtsc.ca.gov)>  
**Subject:** Aerojet - MOU Area 40

Hi Larry,

I've attached the MOU with my changes. The Project Manager and I have been in communication and are on the same page, but Charlie – signatory still needs to review it. But first I think we have some big conceptual issues to clarify about what DTSC is taking over. The RAP makes sense. The RD/RA is a bit odd since EPA needs to do a ROD (which should come after the RAP). I think we need to discuss this. Since EPA needs to do a ROD, we have timing issues and a lot of confusion in the MOU as written. As I tried to change/fix it, and in talking to program, it became clear there is a logistical issue too. The RAP is the doc that the City needs. DTSC completes the RAP, then EPA completes the ROD. Why would it then transfer back again to DTSC to complete the RD/RA?

Maybe we can take a little time on our call tomorrow to go over this? thanks,

Isabella

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